

Senate File 311

S-3158

1 Amend Senate File 311 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 REGULATION OF COMMERCIAL ESTABLISHMENTS

6 Section 1. Section 162.2, subsection 19, Code 2023, is
7 amended by striking the subsection and inserting in lieu
8 thereof the following:

9 19. "Pet shop" means a facility where vertebrate animals,
10 excluding fish, not born and reared on the facility's premises
11 are bought, sold, exchanged, or offered for sale or exchange to
12 the public, at retail. "Pet shop" does not include a facility
13 if one of the following applies:

14 a. The facility receives less than one thousand dollars from
15 the sale or exchange of vertebrate animals, excluding fish,
16 during a twelve-month period.

17 b. The facility sells or exchanges less than twelve
18 vertebrate animals, excluding fish, during a twelve-month
19 period.

20 Sec. 2. Section 162.2A, subsection 3, paragraph d, Code
21 2023, is amended to read as follows:

22 ~~d. The person's~~ An official government-issued photo
23 identification number of the person. ~~Notwithstanding chapter~~
24 ~~22, the department shall keep the person's tax identification~~
25 ~~number confidential except for purposes of tax administration~~
26 ~~by the department of revenue, including as provided in section~~
27 ~~421.18.~~

28 DIVISION II

29 GRAIN REGULATION

30 PART A

31 GRAIN DEALERS

32 Sec. 3. Section 203.1, Code 2023, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 12A. "Scale weight ticket" means the same
35 as defined in section 203C.1.

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(amending this SF 311 to CONFORM to HF 666)

1 Sec. 4. Section 203.5, subsection 8, paragraph a, Code 2023,
2 is amended to read as follows:

3 a. The applicant has caused liability to the Iowa grain
4 depositors and sellers indemnity fund in regard to a license
5 issued under [this chapter](#) or [chapter 203C](#), and the liability
6 has not been discharged, settled, or satisfied.

7 Sec. 5. Section 203.11, subsection 2, paragraph a,
8 subparagraph (3), Code 2023, is amended to read as follows:

9 (3) Uses a scale weight ticket or credit-sale contract in
10 violation of [this chapter](#) or a requirement established by the
11 department under [this chapter](#).

12 Sec. 6. Section 203.15, subsection 2, paragraph f, Code
13 2023, is amended to read as follows:

14 f. The duration of the credit-sale contract, which shall
15 not exceed ~~twelve~~ fifteen months from the date the contract is
16 executed.

17 Sec. 7. Section 203.17, Code 2023, is amended to read as
18 follows:

19 **203.17 Documents and records.**

20 1. The department may adopt rules specifying the form,
21 content, use, and maintenance of documents issued by a grain
22 dealer under [this chapter](#) including but not limited to scale
23 weight tickets, settlement sheets, daily position records, and
24 credit-sale contracts. The department may adopt rules for
25 both printed and electronic documents, including rules for
26 the transmission, receipt, authentication, and archiving of
27 electronically generated or stored documents.

28 2. All scale weight ticket forms in the possession of a
29 grain dealer shall have been permanently and consecutively
30 numbered at the time of printing. A grain dealer shall
31 maintain an accurate record of all scale weight ticket numbers.
32 The record shall include the disposition of each numbered form,
33 whether issued, destroyed, or otherwise disposed of.

34 Sec. 8. Section 203.20, Code 2023, is amended to read as
35 follows:

1 this disclosure ~~is~~ commits a simple misdemeanor.

2 PART B

3 WAREHOUSE OPERATORS

4 Sec. 9. Section 203C.5, subsection 2, Code 2023, is amended
5 to read as follows:

6 2. a. The department may adopt rules specifying the
7 form, content, and use of documents issued by a warehouse
8 operator under this chapter including but not limited to scale
9 weight tickets, warehouse receipts, settlement sheets, and
10 daily position records. The department may adopt rules for
11 both printed and electronic documents, including rules for
12 the transmission, receipt, authentication, and archiving of
13 electronically generated or stored documents.

14 b. All scale weight ticket forms and warehouse receipt
15 forms in the possession of a warehouse operator shall have been
16 permanently and consecutively numbered at the time of printing.
17 A warehouse operator shall maintain an accurate record of
18 the numbers of these documents. The record shall include
19 the disposition of each form, whether issued, destroyed, or
20 otherwise disposed of. The department may by rule require this
21 use of prenumbered forms and recording for documents other than
22 scale weight tickets and warehouse receipts.

23 Sec. 10. Section 203C.6, subsection 8, paragraph a, Code
24 2023, is amended to read as follows:

25 a. The applicant has caused liability to the Iowa grain
26 depositors and sellers indemnity fund through operations under
27 a license issued under this chapter or chapter 203, and the
28 liability has not been discharged, settled, or satisfied.

29 Sec. 11. Section 203C.17, subsections 1, 2, 3, 4, and 5,
30 Code 2023, are amended to read as follows:

31 1. ~~Any grain which has been received at any Grain deposited~~
32 with a licensed warehouse operator for which the actual sale
33 price ~~is~~ has not been fixed and either proper documentation
34 ~~made~~ has not been furnished or payment has not been made shall
35 be construed to be grain held for storage within the meaning of

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1 ~~this chapter.~~ Grain may be held considered stored grain and
2 may be retained in open storage or placed ~~on~~ under warehouse
3 receipt. ~~A warehouse receipt shall be issued for all grain~~
4 ~~held in open storage within one year from the date of delivery~~
5 ~~to the warehouse, unless the depositor has signed a statement~~
6 ~~that the depositor does not desire a warehouse receipt.~~ The
7 licensed warehouse operator shall issue a warehouse receipt
8 ~~shall be issued~~ to the depositor upon request by the depositor.
9 The warehouse operator's tariff shall apply ~~for~~ to any grain
10 that is retained in open storage or placed under warehouse
11 receipt as provided in section 203C.18.

12 2. Bulk grain deposited with a licensed warehouse operator
13 for processing, cleaning, drying, shipping for the account of
14 the depositor, or any other purpose shall be removed within
15 thirty days from the date of deposit or such grain shall be
16 ~~determined as~~ considered stored grain ~~and the.~~ The warehouse
17 operator's tariff ~~charges~~ shall apply to the bulk grain as
18 provided in section 203C.28.

19 3. Grain ~~received on~~ deposited and subject to a scale weight
20 ticket ~~which~~ that fails to have the price fixed and properly
21 documented on the records of the licensed warehouse operator
22 shall be ~~construed to be~~ retained in open storage.

23 4. All bulk grain whether retained in open storage and
24 deposited subject to a scale weight ticket or ~~having been~~
25 placed ~~on~~ under warehouse receipt is covered by the grain
26 depositors and sellers indemnity fund ~~created in~~ as provided in
27 chapter 203D.

28 5. ~~Any grain which has been received at any~~ An unlicensed
29 warehouse ~~and for which the~~ operator shall not retain deposited
30 bulk grain, if its actual sale price has not been fixed, and
31 payment for the bulk grain has not been made within thirty days
32 ~~from receipt of the grain~~ its date of deposit, unless covered
33 purchased by a credit-sale contract, ~~shall be construed to be~~
34 ~~unlawful storage within the meaning of~~ this chapter. Bulk
35 ~~grain received at any~~ An unlicensed warehouse ~~for any~~ operator

1 who retains deposited bulk grain under any other purpose
2 circumstance must either be returned return the bulk grain to
3 the depositor, or disposed of dispose of the bulk grain by
4 order of the depositor, within thirty days from date of actual
5 the deposit of the bulk grain.

6 Sec. 12. Section 203C.25, Code 2023, is amended to read as
7 follows:

8 **203C.25 Shrinkage adjustments — disclosures — penalties.**

9 1. A person who, in connection with the receipt of
10 ~~corn or soybeans~~ grain for storage, processing, or sale,
11 adjusts the scale weight of the grain to compensate for the
12 moisture content of the grain shall compute the amount of
13 the adjustment by multiplying the scale weight of the grain
14 by that factor which results in a rate of adjustment of one
15 and eighteen hundredths percent of weight per one percent of
16 moisture content. ~~The use of~~ person who uses any rate of
17 weight adjustment for moisture content other than the one
18 prescribed by this subsection ~~is~~ commits a fraudulent practice
19 as defined in section 714.8. The person shall post on the
20 business premises in a conspicuous place notice of the rate
21 of adjustment for moisture content ~~that is~~ as prescribed by
22 this subsection. ~~Failure~~ The person who fails to make this
23 disclosure ~~is~~ commits a simple misdemeanor.

24 2. A person who, in connection with the receipt of grain for
25 storage, processing, or sale, adjusts the quantity of the grain
26 received to compensate for losses to be incurred during the
27 handling, processing, or storage of the grain shall post on the
28 business premises in a conspicuous place notice of the rate of
29 adjustment to be made for this shrinkage. ~~Failure~~ The person
30 who fails to make ~~the required~~ this disclosure ~~is~~ commits a
31 simple misdemeanor.

32 3. A person who adjusts the scale weight of ~~corn or soybeans~~
33 ~~both~~ grain for moisture content and for handling, processing,
34 or storage losses may combine the two adjustment factors into
35 a single factor and may use this resulting factor to compute

1 the amount of weight adjustment in connection with storage,
2 processing, or sale transactions, provided that the person
3 shall post on the business premises in a conspicuous place a
4 notice that discloses the moisture shrinkage factor prescribed
5 by [subsection 1](#), the handling shrinkage factor to be imposed,
6 and the single factor that results from combining these
7 factors. ~~Failure~~ The person who fails to make the required
8 this disclosure is commits a simple misdemeanor.

9 Sec. 13. Section 203C.36, subsection 2, paragraph a,
10 subparagraph (3), Code 2023, is amended to read as follows:

11 (3) Uses a scale weight ticket, warehouse receipt, or
12 other document in violation of [this chapter](#) or requirements
13 established by the department under [this chapter](#).

14 PART C

15 INDEMNITY FUND

16 Sec. 14. Section 203D.1, Code 2023, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 14A. *"Scale weight ticket"* means the same
19 as defined in section 203C.1.

20 Sec. 15. Section 203D.3, subsection 3, Code 2023, is amended
21 to read as follows:

22 3. The ~~fiscal~~ assessment year of the fund begins ~~July~~
23 September 1 and ends on ~~June 30~~ August 31. ~~Fiscal Assessment~~
24 quarters of the fund begin ~~July~~ September 1, ~~October~~ December
25 1, ~~January~~ March 1, and ~~April~~ June 1. The finances of the fund
26 shall be calculated on an accrual basis in accordance with
27 generally accepted accounting principles.

28 Sec. 16. Section 203D.3A, subsection 1, paragraph b,
29 unnumbered paragraph 1, Code 2023, is amended to read as
30 follows:

31 A licensee shall pay a participation fee on four successive
32 installment dates, with each installment date occurring on the
33 last date of the fund's ~~fiscal~~ assessment quarter as provided
34 in [section 203D.3](#). The licensee shall pay twenty-five percent
35 of the total participation fee assessed on each installment

1 date. However, nothing in **this subsection** prevents a licensee
2 from paying the participation fee on an accelerated basis. A
3 licensee shall pay the first installment on the last date of
4 the fund's ~~fiscal~~ assessment quarter immediately following the
5 licensee's anniversary date.

6 Sec. 17. Section 203D.5, subsection 1, Code 2023, is amended
7 to read as follows:

8 1. The board shall annually review the debits of and credits
9 to the grain depositors and sellers indemnity fund created
10 in **section 203D.3** and shall determine whether to impose the
11 participation fee and per-bushel fee as provided in section
12 203D.3A, make adjustments to the fees effective on the previous
13 July September 1, or waive the fees as necessary to comply with
14 this section. The board shall make the determination not later
15 than May 1 of each year. The board shall impose the fees or
16 adjust the fees effective on the previous July September 1 in
17 accordance with **chapter 17A**. The imposition or adjustment of
18 the fees shall become effective as follows:

19 a. For the participation fee, on the following July
20 September 1. However, the licensee shall continue to pay the
21 participation fee at the rate in effect on the prior July
22 September 1, until the licensee has paid the amount owing.

23 b. For a per-bushel fee, on the following July September 1.

24 Sec. 18. Section 203D.5, subsection 4, Code 2023, is amended
25 to read as follows:

26 4. If on the last date of the fund's ~~fiscal~~ assessment year
27 as provided in **section 203D.3** the assets of the fund exceed
28 eight million dollars, less any encumbered balances or pending
29 or unsettled claims, all of the following apply:

30 a. The participation fee shall be waived and shall not be
31 assessable or owing for the following ~~fiscal~~ assessment year
32 of the fund. However, the licensee shall continue to pay any
33 owing participation fee that was in effect on the prior July
34 September 1.

35 b. The per-bushel fee shall be waived and shall not be

1 assessable or owing.

2 PART D

3 EFFECTIVE DATE

4 Sec. 19. EFFECTIVE DATE. This division of this Act, being
5 deemed of immediate importance, takes effect upon enactment.

6 DIVISION III

7 WEIGHTS AND MEASURES

8 PART A

9 LICENSING, INSPECTIONS, AND FEES

10 Sec. 20. Section 214.2, Code 2023, is amended to read as
11 follows:

12 **214.2 License.**

13 1. A person who uses or displays for use any commercial
14 weighing and measuring device, as defined in ~~section 215.1,~~
15 shall secure must be issued a license from by the department
16 for that device. The department shall issue the license after
17 inspecting the device.

18 2. a. Except as provided in paragraph "b", a license issued
19 under subsection 1 shall expire on December 31 of each year.

20 b. A license issued under subsection 1 for a motor fuel pump
21 shall expire on June 30 of each year.

22 Sec. 21. Section 214.3, subsection 1, Code 2023, is amended
23 by striking the subsection.

24 Sec. 22. Section 214.3, subsection 2, Code 2023, is amended
25 to read as follows:

26 2. The A license inspection fee is imposed on a person
27 who uses or displays for use a commercial weighing and
28 measuring device. The license fee is due the day the device
29 is placed into service department issues the license. A
30 license inspection fee shall be charged to the person owning
31 or operating a commercial weighing and measuring device
32 inspected The amount of the license fee shall be calculated in
33 accordance with the class or section for devices as established
34 by handbook 44 of the United States national institute of
35 standards and technology.

1 to read as follows:

2 2. "*ASTM international*" means a nonprofit organization,
3 previously named the American society for testing and materials
4 international.

5 Sec. 28. Section 214A.1, Code 2023, is amended by adding the
6 following new subsections:

7 NEW SUBSECTION. 33A. *a. "Renewable diesel"* means a motor
8 fuel for use in an internal combustion engine and ignited by
9 pressure without the presence of an electric spark, which
10 is produced from nonfossil renewable resources, including
11 agricultural plants, animal fats, residue, and waste generated
12 from the production, processing, and marketing of agricultural
13 products, and other renewable resources.

14 *b. "Renewable diesel"* must meet the standards provided in
15 section 214A.2.

16 *c. "Renewable diesel"* does not include any of the following:

17 (1) Biodiesel.

18 (2) A fuel that has been coprocessed.

19 NEW SUBSECTION. 33B. "*Renewable diesel blended fuel*" means
20 a blend of renewable diesel with petroleum-based diesel fuel,
21 biodiesel, or a combination of petroleum-based diesel fuel and
22 biodiesel, which meets the standards, including separately
23 the standard for its renewable diesel component, provided in
24 section 214A.2.

25 Sec. 29. Section 214A.2, subsection 4, Code 2023, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. *c.* (1) If the motor fuel is advertised
28 for sale or sold as renewable diesel or renewable diesel
29 blended fuel, the motor fuel must meet departmental standards
30 based in part or in whole on specifications adopted by ASTM
31 international for renewable diesel or renewable diesel blended
32 motor fuel, to every extent applicable, as determined by the
33 department subject to subparagraph (2).

34 (2) Renewable diesel must at least meet departmental
35 standards based in whole or in part on ASTM international

1 specification D975, or a successor ASTM international
2 specification, established by rule. The specification shall
3 apply to renewable diesel before it leaves its place of
4 manufacture.

5 Sec. 30. Section 214A.2, subsection 5, Code 2023, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *d.* (1) Renewable diesel shall be classified
8 RD-100.

9 (2) Renewable diesel blended fuel shall be classified RD-xx
10 where "xx" is the volume percent of renewable diesel.

11 Sec. 31. Section 214A.2B, Code 2023, is amended to read as
12 follows:

13 **214A.2B Laboratory for motor fuel and biofuels fuels,**
14 **biofuels, and renewable fuels.**

15 ~~A laboratory for motor fuel and biofuels is established at a~~
16 ~~community college which is engaged in biofuels testing on July~~
17 ~~1, 2007, and which testing includes but is not limited to The~~
18 ~~Iowa central fuel testing laboratory at Iowa central community~~
19 ~~college shall test motor fuels, biofuels, and renewable fuels,~~
20 ~~including but not limited to B-20 biodiesel fuel testing for~~
21 ~~use by motor trucks and the ability of biofuels to meet ASTM~~
22 ~~international standards.~~ The laboratory shall conduct the
23 testing of motor fuel fuels sold in this state and biofuel
24 ~~which is biofuels blended in with motor fuel fuels in this~~
25 state to ensure that the motor fuel or fuels, biofuels, and
26 renewable fuels meet the requirements departmental standards
27 in [section 214A.2](#).

28 PART C

29 CODE EDITOR DIRECTIVE

30 Sec. 32. CODE EDITOR DIRECTIVE.

31 1. The Code editor is directed to make the following
32 transfer:

33 Section 214A.16 to section 214A.21A.

34 2. The Code editor shall correct internal references in the
35 Code and in any enacted legislation as necessary due to the

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1 enactment of this section.

2 DIVISION IV
3 WATER QUALITY

4 Sec. 33. Section 466B.43, subsection 6, Code 2023, is
5 amended to read as follows:

6 6. ~~By October 1, 2019, and each October 1 thereafter of~~
7 each year, the division shall submit a report to the governor
8 and the general assembly itemizing expenditures, by hydrologic
9 unit code 8 watershed, under the programs, if any, during the
10 previous fiscal year, ~~if any~~.

11 Sec. 34. Section 466B.44, subsection 5, Code 2023, is
12 amended to read as follows:

13 5. Notwithstanding any other provision in this section
14 to the contrary, ~~beginning on July 1, 2018~~, the division
15 may use any amount available to support the water quality
16 urban infrastructure program to instead ~~extend~~ do any of the
17 following:

18 a. Extend and support the three-year data collection of
19 in-field agricultural practices project as enacted in 2015 Iowa
20 Acts, ch. 132, §18.

21 b. Support water quality agriculture infrastructure programs
22 created in section 466B.43, to the extent that moneys are not
23 obligated or encumbered during a fiscal year to adequately
24 support all urban infrastructure program projects that meet the
25 division's requirements.

26 Sec. 35. Section 466B.44, subsection 7, Code 2023, is
27 amended to read as follows:

28 7. ~~By October 1, 2019, and by~~ October 1 of each year
29 ~~thereafter~~, the division shall submit a report to the governor
30 and the general assembly itemizing expenditures under the
31 program, if any, during the previous fiscal year.>

32 2. Title page, by striking lines 1 through 4 and inserting
33 <An Act providing for programs and regulations administered and
34 enforced by the department of agriculture and land stewardship,
35 providing fees, providing for the allocation of moneys, making

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1 penalties applicable, and including effective date provisions.>

KERRY GRUENHAGEN